

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRANDI R. SIMMONS,
Plaintiff,

-against-

52ND PRECINCT, et al.,
Defendants.

12 Civ. 4395 (JGK)

MEMORANDUM OPINION AND
ORDER

JOHN G. KOELTL, District Judge:

The plaintiff has moved for the appointment of counsel. The plaintiff's application for appointment of counsel is **denied** at this time without prejudice to renewal.

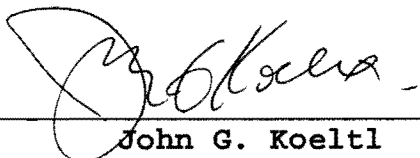
For the Court to order the appointment of counsel, the plaintiff must, as a threshold matter, demonstrate that her claim has substance or a likelihood of success on the merits. See Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986). Only then can the Court consider the other factors appropriate to determination of whether counsel should be appointed: the "plaintiff's ability to obtain representation independently, and [his] ability to handle the case without assistance in the light of the required factual investigation, the complexity of the legal issues, and the need for expertly conducted cross-examination to test veracity." Cooper v. A. Sargenti Co., 877 F.2d 170, 172 (2d Cir. 1989).

At this point in the proceedings, the Court cannot determine based on the record that the plaintiff's claims are substantial or

that she is likely to succeed on the merits.

SO ORDERED.

Dated: New York, New York
July 18, 2012



John G. Koeltl
United States District Judge